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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,715	07/29/1999	KAZUHIKO YUKAWA	024060-110	7213

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EXAMINER	
VILLECCO, JOHN M	
ART UNIT	PAPER NUMBER
2612	5

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/362,715	YUKAWA ET AL.	
	Examiner	Art Unit	
	John M. Villecco	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-16 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 July 1999 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 7-9, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. ***Claim 7*** recites the limitation "wherein the said driving of the taking lens is performed **when** driving of the display device is started" (emphasis added). In claim 4, from which claim 7 depends, applicant recites the limitation of performing the driving "**before** display by the display device". These two limitations seem to contradict themselves. The word "when" in claim 7 implies that the driving and the displaying occur at the same time. When a display is driven, an image is presented on the display screen. Therefore, by claiming that both the driving and the

displaying occur at the same time, applicants phrasing of claim 7 is made indefinite. For the purpose of examination it will be assumed that the driving of the taking lens takes place after a signal to turn on the display device is generated.

6. ***Claims 8 and 9*** are rejected based upon their dependency to claim 7.

7. ***Claim 15*** is considered substantively equivalent to claim 7. Please see the discussion of claim 7 above.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 4, 7-9, 11-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyofuku (U.S. Patent No. 6,166,765).**

10. Regarding ***claim 4***, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See

Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30).

11. As for ***claim 7***, when the LCD switch (58) is depressed, it is interpreted that the driving of the display device is started. When the switch is depressed, the lens moves to a pan focus position.

12. With regard to ***claim 8***, after the lens is moved to the pan focus position the captured image is displayed on the display monitor (57).

13. As for ***claim 9***, the display is driving when the LCD switch (57) is depressed. The LCD switch (57) is a manual operation member.

14. Regarding ***claim 11***, after the lens is moved to the pan focus position the captured image is displayed on the display monitor (57).

15. ***Claim 12*** is a more broad representation of claim 4. Please see the discussion of claim 4 above.

16. With regard to ***claim 13***, the camera display receives the image through the taking lens unit and the image-sensing device. Furthermore, the controller (66) operates to more the lens to the in focus position (pan focus position).

17. As for ***claim 15***, when the LCD switch (58) is depressed it6 is interpreted that the driving of the display device is started. When the switch is depressed, the lens moves to a pan focus position.

18. Regarding ***claim 16***, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an

LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30). More specifically, as shown in Figure 24, in step S18, it is determined whether display by the display monitor (57) is requested. If display is requested then the lens is driven to the pan focus position (S19), and then the display monitor displays the image (S22).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (U.S. Patent No. 5,819,120) in view of Toyofuku (U.S. Patent No. 6,166,765).

21. Regarding ***claim 1***, Hamada discloses that it is well known in the art to use a retractable lens camera that upon startup drives a lens to a useable position. When the power switch (28) is turned on, the lens barrel (14) is brought to an initial position (A). The CPU (32) of Hamada serves as the controller for driving the lens. Although Hamada only discloses the use of a film

camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. See column 3, lines 60-67.

Hamada, however, fails to disclose this arrangement in an electronic camera that includes a display device. Toyofuku discloses an electronic camera that drives a lens to an in-focus position and includes a display monitor (57) for displaying an image picked up by a CCD (7). It is well known in the art that electronic cameras are a very convenient way to capture images. They provide for quick capture and review of images. Furthermore, a display monitor incorporated in the camera allows for instantaneous review of captured images. Therefore, it would have been obvious to use a digital camera with the lens arrangement of Hamada so that the user can quickly capture and review images.

22. As for ***claim 2***, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25.

23. With regard to ***claim 3***, as shown in Figure 1 of Hamada, when the lens is in the retracted state, the lens is behind the wide end limit. This wide end corresponds to the limit of a normal shooting range. Therefore, the lens of Hamada is outside a normal shooting range when the camera is deactivated.

24. Claims 5, 6, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyofuku (U.S. Patent No. 6,166,765) in view of Hamada et al. (U.S. Patent No. 5,819,120).

25. Regarding ***claim 5***, as mentioned above in the discussion of claim 4, Toyofuku discloses all of the limitations of the parent claim. However, Toyofuku fails to disclose that driving of the taking lens is performed when power supply to the camera is started. Hamada, on the other hand, discloses that it is well known in the art to use a retractable lens camera that upon startup drives a lens to a useable position. When the power switch (28) is turned on, the lens barrel (14) is brought to an initial position (A). The CPU (32) of Hamada serves as the controller for driving the lens. Although Hamada only discloses the use of a film camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. By driving the lens to the pan focus position when the camera is started, the camera is placed into a useable state as soon as the power is turned on. Therefore it would have been obvious to one of ordinary skill in the art to drive the lens of the camera to a useable state upon power up so that a photographing operation can be performed upon startup.

26. As for ***claim 6***, in Toyofuku, after the lens is moved to the pan focus position the captured image is displayed on the display monitor (57).

27. ***Claim 14*** is considered substantively equivalent to claim 5. Please see the discussion of claim 5 above.

28. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyofuku (U.S. Patent No. 6,166,765) in view of Isoguchi et al. (U.S. Patent No. 4,963,985).

29. Regarding ***claim 10***, as mentioned above in the discussion of claim 4, Toyofuku discloses all of the limitations of the parent claim. However, Toyofuku fails to disclose that the lens is driven to the in focus position after recording of the image is performed. Isoguchi discloses that it is well known in the art to drive a lens to its initial position after a photographing operation is completed. See column 23, lines 66-68 and column 24, lines 28-31. By driving the lens to the initial position after a photographing operation, the camera is place into condition for taking another photograph, thus facilitating quicker photo-taking operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the lens of Toyofuku to an the initial position after recording an image so that it is reset and capable of quickly capturing another image.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.

JMV
5/12/03

WENDY R. GARBER
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